

### REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-31 remain pending in the case. Claims 1-31 are rejected. Claims 1, 14 and 23 are amended herein. No new matter has been added.

Attached hereto is a marked-up version of the changes made to the claims by the current amendments. The attachment is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

### 35 U.S.C. §102(b)

Claims 14 and 16 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent 5,907,545 by Arai et al, hereinafter referred to as the "Arai" reference. Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 14 and 16 are not anticipated by Arai in view of the following rationale.

Applicants respectfully direct the Examiner to independent Claim 14 that recites that an embodiment of the present invention is directed to (emphasis added):

A method for automatically delivering a phone call to a device, said method comprising the steps of:

a) monitoring for incoming phone calls by a task of said operating system of said device, said task interfacing directly with

the telephony functionality of said device, said task always remaining active irrespective of the activities of said operating system;

- b) receiving said incoming phone call by said task; and
- c) said task notifying the user of said device of said incoming phone call irrespective of the user's activity on said device.

Claim 16 that depends from independent Claim 14 provides a further recitation of features of the present invention.

Arai and this embodiment of the claimed invention are very different. Applicants understand Arai to teach a method for providing wireless communications. In particular, Arai teaches multiplexing a plurality of items of information and allocating a plurality of hopping patterns for each item. In general, Applicants understand Arai to teach a method for wirelessly communicating a plurality of items over a single wireless connection.

In contrast, embodiments of the claimed invention are directed towards a method and device for delivering a phone call to a device wherein a task of the operating system monitors for incoming phone calls. In particular, embodiments of the present invention are directed towards a task of an operating system remaining active irrespective of other activities of the operating system. The present invention provides telephony functionality to operate and present a notification irrespective of a user's activity on the device.

Applicants understand Arai to teach a method for providing simultaneous wireless communications from one wireless terminal to a plurality of other wireless terminals. In contrast, the claimed embodiment of the present invention provides a method for ensuring that an incoming call is received at a wireless device irrespective of the current activity occupying the operating system. In order to accomplish this, embodiments of the present invention provide a background task to monitor for incoming phone calls.

Applicants respectfully assert that Arai in particular does not teach, disclose, or suggest a method for delivering a phone call to a device as claimed. In contrast, Arai discloses a method for providing wireless communications. In particular, Arai does not teach, disclose or suggest a task of an operating system of a device monitoring for incoming phone calls and presenting a notification of a phone call upon receipt.

Applicants respectfully assert that nowhere does Arai teach, disclose or suggest the present invention as recited in independent Claim 14, and that this claimed subject matter is thus in a condition for allowance. Therefore, Applicants respectfully submit that Arai also does not teach or suggest the additional claimed features of the present invention as recited in Claim 16 which depends from independent Claim 14. Therefore, Applicants respectfully submit that Claim 16 overcomes the rejection under 35 U.S.C. § 102(b), and is in a condition for allowance as being dependent on an allowable base claim.

35 U.S.C. §103(a)

Claims 1-4, 10, 13, 15, 20, 23, 24 and 27-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai in view of United States Patent 5,930,700 by Pepper et al, hereinafter referred to as the "Pepper" reference. Applicants have reviewed the cited reference and respectfully submit that the present invention as recited in Claims 1-4, 10, 13, 15, 20, 23, 24 and 27-30 is not anticipated nor rendered obvious by Arai in view of Pepper.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

In a portable electronic device, a method for automatically delivering a phone call, said method comprising the steps of:

- a) monitoring for incoming phone calls by a background task of said operating system of said device, said background task interfacing directly with the telephony functionality of said device, said background task always active, said operating system including at least one graphical user interface;
- b) detecting said incoming phone call by said background task;
- c) notifying said operating system of said incoming phone call by said background task; and
- d) said background task notifying the user of said device of said incoming phone call irrespective of the user's activity on said device.

Independent Claim 23 recites a similar limitation. Claims 2-4, 10 and 13 that depend from independent Claim 1, and Claims 24 and 27-30 that depend on

independent Claim 23 provide further recitations of the features of the present invention.

The combination of Arai and Pepper does not teach a method for delivering a phone call to a device wherein a background task of the operating system monitors for incoming phone calls as claimed. As described above, Arai and this embodiment of the claimed invention are very different. Applicants understand Arai to teach a method for providing wireless communications. In particular, Arai teaches multiplexing a plurality of items of information and allocating a plurality of hopping patterns for each item. In general, Applicants understand Arai to teach a method for wirelessly communicating a plurality of items over a single wireless connection.

In contrast, embodiments of the claimed invention are directed towards a method and device for delivering a phone call to a device wherein a background task of the operating system monitors for incoming phone calls. In particular, embodiments of the present invention are directed towards a background task of an operating system remaining active irrespective of other activities of the operating system. The present invention provides telephony functionality to operate and present a notification irrespective of a user's activity on the device.

As described above, Applicants understand Arai to teach a method for providing simultaneous wireless communications from one wireless terminal to a plurality of other wireless terminals. In contrast, the present invention provides a method for ensuring that an incoming call is received at a wireless device irrespective of the current activity occupying the operating system. In order to accomplish this, embodiments of the present invention provide a background task to monitor for incoming phone calls.

Applicants respectfully assert that Arai in particular does not teach, disclose, or suggest a method for delivering a phone call to a device as claimed. In contrast, Arai discloses a method for providing wireless communications. In particular, Arai does not teach, disclose or suggest a background task of an operating system of a device monitoring for incoming phone calls and presenting a notification of a phone call upon receipt.

Moreover, the combination of Arai and Pepper fails to teach or suggest this claim limitation because Pepper does not overcome the shortcomings of Arai. Pepper, alone or in combination with Arai, does not show or suggest a background task of an operating system of a device monitoring for incoming phone calls. Applicants understand Pepper to teach a system for automatically screening and directing incoming calls. Applicants respectfully assert that Pepper does not teach or described a background task of an operating system monitoring for incoming calls, as claimed. As described in detail above,

Applicants understand Arai to teach method for providing wireless communications.

Applicants respectfully assert that nowhere does the combination of Arai and Pepper teach, disclose or suggest the present invention as recited in independent Claims 1 and 23, and that these claims are thus in condition for allowance. Therefore, Applicants respectfully submit the combination of Arai and Pepper also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2-4, 10 and 13 dependant on allowable base Claim 1, and Claims 24 and 27-30 dependant on allowable base Claim 23. Applicants respectfully submit that Claims 2-4, 10, 13, 24 and 27-30 overcome the rejection under 35 U.S.C. § 103(a) as these claims are dependent on allowable base claims.

Furthermore, Applicants respectfully submit the combination of Arai and Pepper also does not teach or suggest the additional claimed features of the present invention as recited in Claims 15 and 20 dependant on allowable base Claim 14. Applicants respectfully submit that Claims 15 and 20 overcome the rejection under 35 U.S.C. § 103(a) as these claims are dependent on an allowable base claim.

Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai and Pepper, and further in view of United States Patent

5,892,764 by Riemann et al, hereinafter referred to as the "Riemann" reference. Claims 5 and 6 are dependent on allowable base Claim 1. Furthermore, the cited combination fails to teach a method for automatically delivering a phone call wherein a graphical user interface is updated and includes an image of a cellular phone keypad and digitry, as claimed. Applicants respectfully submit that Claims 5 and 6 overcome the Examiner's basis for rejection under 35 U.S.C. § 103(a) as these claims are dependent on an allowable base claim.

Claims 7-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai and Pepper, and further in view of United States Patent 6,445,935 by Mitten et al, hereinafter referred to as the "Mitten" reference. Claims 7-9 are dependent on allowable base Claim 1. Applicants respectfully submit that Claims 7-9 overcome the Examiner's basis for rejection under 35 U.S.C. § 103(a) as these claims are dependent on an allowable base claim.

Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai and Pepper, and further in view of United States Patent 6,230,029 by Hahn et al, hereinafter referred to as the "Hahn" reference. Claims 11 and 12 are dependent on allowable base Claim 1. Applicants respectfully submit that Claims 11 and 12 overcome the Examiner's basis for rejection under 35 U.S.C. § 103(a) as these claims are dependent on an allowable base claim.



Claims 17-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai in view of Mitten. Claims 17-19 are dependent on allowable base Claim 14. Applicants respectfully submit that Claims 17-19 overcome the Examiner's basis for rejection under 35 U.S.C. § 103(a) as these claims are dependent on an allowable base claim.

Claims 21 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai in view of Hahn. Claims 21 and 22 are dependent on allowable base Claim 14. Applicants respectfully submit that Claims 21 and 22 overcome the Examiner's basis for rejection under 35 U.S.C. § 103(a) as these claims are dependent on an allowable base claim.

Claims 25 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai and Pepper, and further in view of Hahn. Claims 25 and 26 are dependent on allowable base Claim 23. Applicants respectfully submit that Claims 25 and 26 overcome the Examiner's basis for rejection under 35 U.S.C. § 103(a) as these claims are dependent on an allowable base claim.

Claim 31 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai and Pepper, further in view of Riemann. Claim 31 is dependent on allowable base Claim 23. Furthermore, the cited combination fails to teach a system for automatically delivering a phone call wherein a graphical user interface is updated, notifies the user of the incoming phone call irrespective of

the user's activity on the device, and includes an image of a cellular phone keypad and digitry, as claimed. Applicants respectfully submit that Claim 31 overcomes the Examiner's basis for rejection under 35 U.S.C. § 103(a) as this claim is dependent on an allowable base claim.

#### CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-31 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO L.L.P.

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Matthew J. Blecher  
Registration No. 46,558

Two North Market Street  
Third Floor  
San Jose, CA 95113  
(408) 938-9060

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claim 1 has been amended as follows:

1. (Amended) In a portable electronic device, a method for automatically delivering a phone call, said method comprising the steps of:
  - a) monitoring for incoming phone calls by a background task of said operating system of said device, said background task interfacing directly with the telephony functionality of said device, said background task always active, said [device's] operating system including at least one graphical user interface;
  - b) detecting said incoming phone call by said background task;
  - c) notifying said operating system of said incoming phone call by said background task; and
  - d) said background task notifying the user of said device of said incoming phone call irrespective of the user's activity on said device.

Claim 14 has been amended as follows:

14. (Amended) A method for automatically delivering a phone call to a device, said method comprising the steps of:
  - a) monitoring for incoming phone calls by a task of said operating system of said device, said task interfacing directly with the telephony

functionality of said device, said task always remaining active irrespective of the activities of said [an] operating system [of said device];

- b) receiving said incoming phone call by said task; and
- c) said task notifying the user of said device of said incoming phone call irrespective of the user's activity on said device.

Claim 23 has been amended as follows:

23. (Amended) A system for automatically delivering a phone call to a device, said system comprising:

- a processor coupled to a bus and a display screen coupled to said bus;
- a cellular phone mechanism;
- a memory unit coupled to said bus and having stored therein an operating system executed by said processor and a background task executed by said processor, said operating system including at least one graphical user interface; where said background task performs to the steps of

- a) monitoring for incoming phone calls by a background task of said operating system of said device, said background task interfacing directly with the telephony functionality of said device, said background task always active, said [device's] operating system including at least one graphical user interface;
- b) detecting said incoming phone call by said background task;
- c) notifying said operating system of said incoming phone call by said background task; and

d) said background task notifying the user of said device of said incoming phone call irrespective of the user's activity on said device.